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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,187	12/29/2000	Don A. Dykes	1662-34000 (P00-3163)	8527

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EXAMINER

CHANG, ERIC

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 11/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

929

Office Action Summary	Application No. 09/751,187	Applicant(s) DYKES ET AL.	
	Examiner Eric Chang	Art Unit 2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 7-10 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,381,549 to Tamura.

4. As to claim 1, Tamura discloses a computer system comprising:

[a] a microprocessor [col. 2, line 62];

[b] startup memory coupled to the microprocessor wherein the startup memory is available upon power up of the system [col. 2, lines 67-68, and col. 3, lines 1-4]; and

[c] an original boot block stored in the startup memory wherein the original boot block checks for a secondary boot block [col. 2, lines 67-68, and col. 3, line 1].

Tamura teaches a computer system that begins boot processing and checks for a secondary storage device containing boot code, such as the OS used to operate the computer system [FIG. 2], substantially as claimed.

5. As to claim 7, Tamura discloses the original boot block only performs mandatory initialization functions before checking for a secondary boot block [col. 2, lines 67-68, and col. 3, line 1]. Tamura teaches the boot processing initializes the computer system prior to checking for a secondary boot block for further boot processing.

6. As to claims 8-9 and 19, Tamura discloses the original boot block is a ROM and therefore protected from modification [col. 2, lines 55-56]. Likewise, it would be well known to one of ordinary skill in the art that if the second boot block were also stored in a non-volatile memory, that it too would be protected from modification as well.

7. As to claim 10, Tamura discloses a computer system wherein an original boot block in startup memory is used to initialize the system, and checking for a secondary boot block thereafter. Because Tamura teaches the computer system, Tamura also teaches the method for booting the computer, substantially as claimed.

8. As to claim 20, Tamura discloses a computer system wherein an original boot block in startup memory is used to initialize the system, and checking for a secondary boot block thereafter. Because it is well known to one of ordinary skill in the art that computer systems further comprise a power supply, Tamura also teaches the computer system further comprising a power supply, substantially as claimed.

Art Unit: 2185

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-6, 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,381,549 to Tamura, in view of U.S. Patent 6,622,246 to Biondi.

11. As to claims 2-3, 11-12 and 16, Tamura discloses searching for a secondary boot storage device for a secondary boot block [col. 2, lines 67-68, and col. 3, line 1]. Although Tamura teaches that the secondary boot storage device may be a floppy disk or the like, it would be obvious to one of ordinary skill in the art that any storage device capable of storing boot code, such as a non-volatile memory, may be used within the scope of Tamura's invention. Thus, Tamara teaches all of the limitations of the claims, but does not teach checking for a secondary boot block stored in a startup memory at a specific memory address.

Biondi teaches that the first and second boot blocks may reside in the same memory [FIG. 3, and col. 3, lines 41-57]. Because Biondi teaches that the size of the boot blocks may vary, Biondi teaches inherent means for determining the location of said boot blocks, such as locating them at specific memory addresses, substantially as claimed.

At the time that the invention was made, it would have been obvious to a person of ordinary skill in the art to employ the boot block address location means as taught by Biondi.

Art Unit: 2185

One of ordinary skill in the art would have been motivated to do so that multiple boot blocks may be stored on a single storage device.

It would have been obvious to one of ordinary skill in the art to combine the teachings of the cited references because they are both directed to the problem of storing multiple boot blocks for boot processing in a computer system. Moreover, the single storage device containing both boot blocks taught by Biondi would improve the efficiency of Tamura because it allowed both boot blocks to be stored without utilizing additional hardware, while maintaining the capability to detect whether a second boot block exists.

12. As to claims 4-6 and 13-15, Biondi discloses verifying that the secondary boot block exists [col. 4, lines 33-44], and that it may further be verified by performing the checksum [col. 3, lines 66-67, and col. 4, lines 1-6].

13. As to claim 17, Tamura discloses the original boot block only performs mandatory initialization functions before checking for a secondary boot block [col. 2, lines 67-68, and col. 3, line 1]. Tamura teaches the boot processing initializes the computer system prior to checking for a secondary boot block for further boot processing.

14. As to claim 18, Tamura also discloses the original boot block is a ROM and therefore protected from modification [col. 2, lines 55-56].

Conclusion


Art Unit: 2185

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Chang whose telephone number is (703) 305-4612. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on (703) 305-9717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ec



THOMAS LEE
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